

AMENDED IN SENATE MAY 15, 2013

AMENDED IN SENATE MAY 2, 2013

**SENATE BILL**

**No. 185**

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**Introduced by Senator Walters**

February 6, 2013

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An act to add Sections 60063.3 and 60063.5 to the Education Code, relating to instructional materials.

LEGISLATIVE COUNSEL'S DIGEST

SB 185, as amended, Walters. Instructional materials: digital format.

Existing law requires the State Board of Education to adopt at least 5 basic instructional materials in specified subject areas for use in kindergarten and grades 1 to 8, inclusive, for district boards, as defined. Existing law also requires the governing board of each school district maintaining one or more high schools to adopt instructional materials that meet specified criteria for use in the high schools under its control. Existing law prohibits the state board from adopting instructional materials until the 2015–16 school year.

Existing law requires a publisher or manufacturer of instructional materials to provide to the state, at no cost, computer files or other electronic versions of each state-adopted literary title and the right to transcribe, reproduce, modify, and distribute the material in braille, large print if the publisher does not offer a large print edition, recordings, American Sign Language videos for the deaf, or other specialized accessible media exclusively for use by pupils with visual or other disabilities that prevent use of standard instructional materials.

This bill would authorize school districts and county offices of education to negotiate the price of standards-aligned instructional materials and supplemental materials in a printed or digital format. The

bill would require instructional materials *that are consistent with specific requirements of the Pupil Textbook and Instructional Materials Incentive Program Act* to be offered by a publisher or manufacturer as unbundled elements. The bill also would authorize a school district to use instructional materials in digital format that were purchased by the school district to create a districtwide online digital database for classroom use, as specified.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 60063.3 is added to the Education Code,  
2 to read:  
3 60063.3. Notwithstanding paragraph (1) of subdivision (a) of  
4 Section 60061, school districts and county offices of education  
5 may negotiate the price of standards-aligned instructional materials  
6 and supplemental materials in either a printed or digital format.  
7 SEC. 2. Section 60063.5 is added to the Education Code, to  
8 read:  
9 60063.5. (a) Instructional materials or supplemental  
10 instructional materials *that are consistent with the requirements*  
11 *of Section 60119* shall be offered by a publisher or manufacturer  
12 as unbundled elements to enable digital ~~material~~ materials or  
13 printed materials to be purchased separately from other  
14 components.  
15 (b) ~~A~~ *Without violating any copyright law or contract between*  
16 *a school district and a publisher or manufacturer, a school district*  
17 *may use instructional materials in digital format that were*  
18 *purchased by the school district to create a districtwide online*  
19 *digital database for classroom use consistent with an online security*  
20 *system that is mutually agreed on by the publisher and the school*  
21 *district.*